

MAY 02 2006

Attorney Docket No.: TS01-285
N1085-90132DUANE MORRIS LLP
101 WEST BROADWAY, SUITE 900
SAN DIEGO, CA 92101
PHONE: 619.744.2200
FAX: 619.744.2201**FACSIMILE TRANSMITTAL SHEET**In re application of: **Lin Cheng**Examiner: **Hanh Van Tran**Serial No.: **09/934,549**Group Art Unit: **3637**Filed: **08/23/2001**Confirmation No.: **9167**For: **RETICLE BOX TRANSPORT CART**TO: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FACSIMILE NUMBER: 571-273-8300

CONFIRMATION
TELEPHONE:

FROM: Mark J. Marcelli

DIRECT DIAL: 619.744.2243

DATE: May 2, 2006

TOTAL # OF PAGES:
(INCLUDING COVERSHEET)MESSAGE: Attached is: 1) Response to Notice of Abandonment; and
2) Petition Under 37 CFR 1.181(a) Requesting Withdrawal of
Holding of Abandonment Under M.P.E.P. §711.03.

NOTE: Original will not follow

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MAY 02 2006

Appl. No. 09/934,549
Response filed 05/02/2006

Attorney Docket No.: TS01-285
N1085-90132

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Lin Cheng

Examiner: Hanh Van Tran

Serial No.: 09/934,549

Group Art Unit: 3637

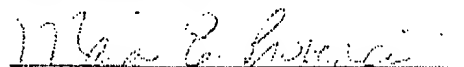
Filed: 08/23/2001

Confirmation No.: 9167

For: RETICLE BOX TRANSPORT CART

I hereby certify that this correspondence (and anything referred to as being transmitted herewith) is being facsimile transmitted to the United States Patent and Trademark Office (Fax No. 571-273-8300) on the date shown below.

Date: May 2, 2006


Maria E. Provencio

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF ABANDONMENT

This is submitted in response to a Notice of Abandonment dated March 8, 2006, in connection with the above-identified patent application. This Notice of Abandonment, which was received in Applicant's undersigned attorney's office on March 10, 2006, states that this application was abandoned in view of Applicant's failure to timely file a proper reply to the Office letter mailed 29 July 2005. The Notice of Abandonment also indicates that the proposed reply received on 21 September 2005 does not constitute a proper reply under 37 CFR 1.113(a).

Applicant filed a proper reply under 37 CFR 1.113(a) to the 29 July 2005 Office letter, on December 30, 2005.

A Petition to the Director under 37 CFR 1.181(a) requesting withdrawal of the Holding of Abandonment Under MPEP §711.03, accompanies this Response.

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Response filed 05/02/006

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In light of the attached evidence, Applicant's undersigned counsel respectfully requests withdrawal of the holding of abandonment, and requests notification that this application has been revived to pending status.

If there are any questions concerning these submissions, please contact the undersigned at the telephone number indicated below.

Respectfully submitted,

Dated: May 2, 2006



Mark J. Marcelli, Reg. No. 36,593
Attorney for Applicants

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Appl. No. **09/934,549**
Petition filed 05/02/2006

Attorney Docket No.: TS01-285
N1085-90132

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Lin Cheng**

Examiner: **Hanh Van Tran**

Serial No.: **09/934,549**

Group Art Unit: **3637**

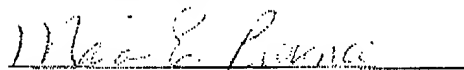
Filed: **08/23/2001**

Confirmation No.: **9167**

For: **RETICLE BOX TRANSPORT CART**

I hereby certify that this correspondence (and anything referred to as being transmitted herewith) is being facsimile transmitted to the United States Patent and Trademark Office (Fax No. 571-273-8300) on the date shown below.

Date: May 2, 2006


Maria E. Provencio

Mail Stop Petition
Director for Patents and Trademarks
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION UNDER 37 CFR 1.181(a) REQUESTING WITHDRAWAL OF HOLDING OF
ABANDONMENT UNDER M.P.E.P. § 711.03**

Director,

Responsive to the Notice of Abandonment dated March 8, 2006 and received March 10, 2006, Applicant respectfully requests withdrawal of the holding of abandonment, in view of the following facts and evidence.

On December 30, 2005, Applicant's attorney's law offices transmitted, via facsimile, papers which constitute a proper reply under 37 CFR 1.113(a), to the final rejection mailed July 29, 2005. In particular, Applicant transmitted via facsimile the

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Petition filed 05/02/2006

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following documents for filing in the U.S. Patent and Trademark Office (PTO) at telephone number 571-273-8300 under 37 C.F.R. § 1.8:

- Transmittal Form
- Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences
- Pre-Appeal Brief Request for Review
- Petition for Extension of Time Under 37 CFR 1.136(a) (in duplicate)

A total of 12 pages including a Facsimile Cover Sheet were facsimile transmitted to the PTO.

On December 30, 2005, Applicant's attorney received a Report of successful transmission from Applicant's attorney's facsimile transmission system.

On December 30, 2005, Applicant's attorney received from the PTO an Auto-Reply Facsimile Transmission from the PTO indicating receipt confirmation of the above-listed papers by the PTO.

On February 6, 2006, Applicant's attorneys law offices transmitted, via facsimile, a STATUS INQUIRY to the U.S. Patent and Trademark Office (PTO) at telephone number 571-273-8300 under 37 CFR § 1.8. On February 6, 2006, Applicant's attorneys received a Report of successful transmission from Applicant's attorneys' facsimile transmission system. On February 6, 2006, Applicant's attorney also received from the PTO an Auto-Reply Facsimile Transmission indicating receipt confirmation of the STATUS INQUIRY by the PTO.

Applicant never received a response to the STATUS INQUIRY, from the PTO, nor a decision on the Pre-Appeal Brief Request for Review.

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On March 10, 2006, Applicant's attorney received a Notice of Abandonment dated March 8, 2006, from the PTO. The Notice of Abandonment indicated that the reason for abandonment was failure to timely file a proper reply to the Office letter mailed 29 July 2005. The Notice of Abandonment indicates that the proposed reply received on 21 September 2005 did not constitute a proper reply under 37 CFR 1.113(a). A copy of the Notice of Abandonment is attached hereto as **Exhibit 1**.

A copy of the Transmittal Form, Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences, Pre-Appeal Brief Request for Review, Petition for Extension of Time Under 37 CFR 1.136(a)(in duplicate), and Facsimile Cover Sheet are attached as **Exhibit 2** including certification pursuant to 37 CFR 1.8 and MPEP §512, that the document was facsimile transmitted on December 30, 2005. The Response was timely filed with the late fee.

Attached hereto as **Exhibit 3** is a transmission report internally generated by Applicants' attorneys' facsimile transmission system indicating successful transmission of the aforementioned documents to telephone number 571-273-8300.

Attached hereto as **Exhibit 4** is the Auto-Reply Facsimile Transmission sent by the PTO and received on 12/30/2005 by Applicants' attorneys from the PTO indicating receipt confirmation by the PTO of the aforementioned facsimile transmission.

Also attached hereto as **Exhibit 5** is the aforementioned STATUS INQUIRY filed by Applicants' attorneys on February 6, 2006. Report of successful transmission internally generated by Applicants' attorneys' facsimile transmission system and the Auto-Reply Facsimile Transmission confirming receipt of the STATUS INQUIRY by the PTO on February 6, 2006.


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In view of the above remarks and the enclosed documents, Applicants respectfully request that the Holding of Abandonment in this application should be withdrawn and the application restored to active status. Further to Applicant's response of September 21, 2005, Applicant properly responded to the final rejection dated July 29, 2005 on December 30, 2005 and the response was timely filed with the late fee. In view of the Pre-Appeal Request for Review filed on December 30, 2005, Applicants respectfully expect an expeditious and favorable panel decision responsive to the Pre-Appeal Request for Review.

Respectfully submitted,

Dated: May 2, 2006


Mark J. Marcelli, Reg. No. 36,593
Attorney for Applicants

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EXHIBIT 1



UNITED STATES PATENT AND TRADEMARK OFFICE

N11085-6138
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/934,549 | 08/23/2001 | Lin Cheng | TS01-285 | 9167 |

34637 7590 03/08/2006

DUANE MORRIS LLP
IP DEPARTMENT (TSMC)
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103-4196

MAR 15 2006

DOCKET

EXAMINER

TRAN, HANH VAN

ART UNIT PAPER NUMBER

3637

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

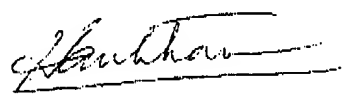
MAY 02 2006

| | | | |
|------------------------------|-----------------|--------------|--|
| Notice of Abandonment | Application No. | Applicant(s) | |
| | 09/934,549 | CHENG, LIN | |
| | Examiner | Art Unit | |
| | Hanh V. Tran | 3637 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

- ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 29 July 2005.
 - ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - ☒ A proposed reply was received on 21 September 2005, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - ☐ No reply has been received.
- ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - ☐ The issue fee and publication fee, if applicable, has not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:



Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

EXHIBIT 2